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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 002479

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DOE FOR CAROLYN GAY

E.O. 12958: DECL: 11/27/2017

TAGS: [PGOV](#) [KDEM](#) [KCOR](#) [NI](#)

SUBJECT: ICPC'S ANTI-CORRUPTION BATTLE: OBSTACLES AND OPPORTUNITIES

REF: ABUJA 2082

Classified By: Political Counselor Walter Pflaumer for reasons 1.4. (b & d).

¶1. (C) SUMMARY. Independent Corrupt Practices and Other Related Offenses Commission (ICPC) Executive Member Uriah Angulu told PolCouns he believes Yar'Adua is "honest and sincere" in his fight against corruption. In a recent meeting with ICPC leadership, Angulu said Yar'Adua ordered the ICPC to get more serious in fighting corruption, indicating they should "spare no one," including the President himself. Despite these positive developments, however, the ICPC remains limited in its abilities by its own enabling legislation, reticent courts, an obstructionist Attorney General, and funding issues. Unless (or until) the ICPC is successful in lobbying for changes to its enabling legislation and obtaining sufficient funding, we can expect the Commission to continue playing a back-seat role to the other major anticorruption entity, the Economic and Financial Crimes Commission (EFCC). END SUMMARY.

¶2. (C) ICPC Executive Member Dr. Uriah Angulu told PolCouns in a November 29 meeting that he is encouraged by the commitment of the Yar'Adua administration to fighting corruption. He admitted he had been frustrated under the Obasanjo administration and had considered not asking for or accepting a second appointment to the Commission. Things had changed significantly, however, with the arrival of the new Commission Chairman, Justice Emmanuel Ayoola, and then the inauguration of the Yar'Adua administration. Angulu said Yar'Adua recently met with ICPC leadership and ordered them to become more serious in their pursuit of corrupt officials. No one should be off limits, Yar'Adua told them, even the President himself. Angulu said the new Chief Justice, Idris Legbo Kutigi, is also "part of the solution." He believes Kutigi will take action on ICPC cases which have been pending since the previous Chief Justice and told PolCouns Kutigi noted his desire to "deal with erring governors" in his inaugural speech.

¶3. (C) Despite these favorable factors, however, Angulu noted that the ICPC remains limited in its abilities by several factors. Firstly, the Corrupt Practices and Other Related Offenses Act of 2000, which established the ICPC, prohibits the Commission from investigating sitting presidents, vice presidents, governors and deputy governors. In addition, the Act does not provide authority for ex parte investigations (initiated by ICPC). The ICPC appealed to the previous

National Assembly (NASS) to change these sections of the Act and Angulu said they will continue their appeal to the new NASS. (NOTE: The House Committee on Legislative Compliance was due to meet with Angulu and the ICPC Chair just after our meeting. Angulu noted this is the first time in the history of the ICPC that a NASS committee or member has requested to come to ICPC. End Note.)

14. (C) Angulu complained that the courts are also part of the problem. Endless delays and adjournments mean cases are held up for extended periods. Angulu told PolCouns the ICPC is asking for independent judges to be appointed to hear only corruption cases. Adding to their problems in prosecuting corruption cases are funding issues. The ICPC must rely on legal counsel appointed by the Chief Justice to prosecute their cases; however, until 2007 no money was allocated to pay for the counsels. In 2007, the funds allocated were spent to erect buildings to house the counsels, but to date no counsels have been appointed. Angulu believes they will be appointed in the next several months -- owing largely to the positive relationship with the new Chief Justice.

15. (C) Finally, Angulu told PolCouns the relationship with Attorney General (AG) Michael Aondoakaa has been strained and that the AG continues to make statements asserting control over the ICPC. (NOTE: This is the same problem the EFCC has had with the AG. See reftel. End Note.) Angulu said despite President Yar'Adua's affirmation of the ICPC and EFCC's independence, that Aondoakaa continues to try to meddle in the Commission's affairs. He told PolCouns that Aondoakaa's law firm previously represented some of the former governors now being investigated. (COMMENT: We have heard this from EFCC as well. In particular, Aondoakaa allegedly represented former Delta Governor James Ibori. END

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COMMENT.)

16. (C) COMMENT. The ICPC has been criticized for not being active in investigating corruption and never having prosecuted a case. Angulu's discussion of the limitations placed on the ICPC by its enabling Act explains some of this lack of activity. Unless (or until) there are changes to the enabling act and sufficient funding is obtained, we can expect the ICPC to continue to play a back-seat role to the EFCC, with the EFCC continuing its focus on investigation and prosecution of cases and the ICPC focusing on public education and outreach. END COMMENT.
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